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March 25, 1998

EX PARTE PRESENTATION

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BY HAND DELIVERY

Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 95-155 -- Toll Free Service Access Codes

Dear Ms. Salas:

In a series of ex parte meetings held with the Offices of Commissioners Tristani, Powell and Furchtgott-Roth this past week, TLDP Communications, Inc., together with other interested parties, including the Office of Advocacy of the United States Small Business Administration, have urged the Commission to delay the planned implementation of the 877 service access code ("SAC"), scheduled for April 5, until the Commission has ruled on issues raised in the above-captioned proceeding relating to the replication of 800 and 888 toll free numbers, and until certain technical problems concerning the planned implementation which will adversely affect small RespOrgs have been corrected. The purpose of this letter is to describe and underscore the critical nature of the latter problems, and to urge the Commission to ensure that, when the 877 SAC is activated, small RespOrgs are treated on an equal footing with their larger competitors.

In addition to the issue of replication, the principal concerns of small RespOrgs with the planned activation of the 877 SAC access code on April 5 are two-fold. First, in recent weeks the SMS Number Administration Committee ("SNAC") has advised the Commission that it has abandoned its commitment for a one-time allocation of 2,000 numbers for RespOrgs with less than 10,000 numbers in their working base, as well as for new RespOrgs. See letter of Don Werner to Geraldine Matisse, Chief, Network Services Division, dated March 2, 1998. According to the SNAC, this commitment requires further development lead time of approximately three months, and the SMS/800 Management Team ("SMT") is awaiting FCC direction before the 2,000 number allocation development begins.

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TLDP is perplexed as to the exact nature of the technical difficulty the SNAC has posited, why this difficulty was identified only at the eleventh hour, just one month before the scheduled 877 activation, and why the SNAC requires further "development lead time" to correct the problem, and FCC direction, given the fact that the Commission mandated the availability of 2,000 numbers (or 7.5% of a RespOrg's working numbers) nearly one year ago. *Toll Free Service Access Codes*, 12 FCC Rcd 11162, 11211-11212 (1997). Whatever the nature of the SNAC's technical difficulties may be, it had ample opportunity to identify and correct them before now. More importantly, the ability of small RespOrgs to reserve 2,000 numbers (or 7.5% of their working numbers) is a critical feature of the Commission's *Toll Free Access Codes* ruling, designed to protect small RespOrgs, and is not a feature of 877 implementation which the SNAC is free to abandon unilaterally. In her letter last week to the SMT Point of Contact, the Chief of the Commission's Network Services Division makes this point abundantly clear by declining to adopt the SNAC's December 17, 1997 recommended allocation plan, and clarifying that the current conservation plan imposed by the Common Carrier Bureau on September 29, 1997 will be lifted upon implementation of the 877 SAC. Allowing the SNAC to ignore unilaterally its obligation to make 2,000 numbers (or 7.5% of their working numbers) available to small RespOrgs upon 877 SAC implementation would contravene the plain language of the Commission's order, and adversely impact the small RespOrgs it was designed to protect.

TLDP's second concern with the scheduled activation of the 877 SAC on April 5 stems from the fact that the SMT has also advised small RespOrgs that it currently has available only 244 access ports for the approximately 700 dial-up users of the SMS database who require such ports since they have no direct links. Without adequate trunks installed when the 877 SAC is activated, at least 66% of such dial-up users are likely to receive a busy signal when they try to access the database. TLDP has brought this problem to the attention of the SMT, and has requested the installation of additional ports, but thus far has received no response. See attached letter of David Greenhaus to Charron Cox, dated March 6, 1998. Such a result, which would uniquely affect small RespOrgs who cannot afford direct lines to the SMS database, is plainly discriminatory and contravenes the spirit of the Commission's *Toll Free Access Codes* rulemaking.

TLDP respectfully submits that the foregoing technical and competitive concerns, if not addressed prior to the activation of the 877 SAC, will place small RespOrgs and their customers at a severe competitive disadvantage, regardless of whether the Commission allows replication of 800 and 888 SACs before 877 activation occurs. The harm which small RespOrgs and their customers will suffer will also be irremediable, given the Commission's prohibition against the brokering of

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toll free numbers. The Commission can avert this catastrophe by directing the SNAC to address and correct the above-described problems, prior to 877 activation. TLDP respectfully urges the Commission to do so immediately.

Respectfully submitted,



Eric Fishman

Counsel to

TLDP Communications, Inc.

Attachment

cc: Chairman William Kennard
Commissioner Harold Furchtgott-Roth
Commissioner Susan Ness
Commissioner Gloria Tristani
Commissioner Michael Powell

**THE LONG DISTANCE
PARTNERSHIP L.P.**

Corporate Offices
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March 6, 1998

Charron Cox
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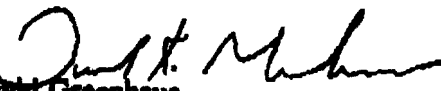
Dear Charron,

The Long Distance Partnership, L.P. is a RESP ORG (#LPS01, LPS99) employing dial-up access to the SMS. (While we have recently installed a dedicated link, that link is only being tested at this point in time.) It has come to our attention based on conversations this week with Kathy (SMS Security Department) and Don Melvin that there are approx. 700 dial-up users of the SMS and only 244 access ports. While the 244 ports have been adequate to service user needs in the past, we are deeply concerned that they will not be adequate to accomodate the heavy demand expected on April 5 when the 877 NPA is opened. When we raised this issue with Don, his response was that if there are not enough lines on that day, the SMS will install additional lines in the future. As I'm sure you appreciate, this is not an acceptable response. April 5 is a critical date, and all RESP ORGs should be given an equal opportunity to reserve toll-free 877 numbers at the same time.

While we believe the SMS should take the initiative to install several hundred additional lines, at SMS expense, there is no time to enter into an extended debate over who should take responsibility for the costs which need to be incurred. Instead, we are hereby requesting that you open an additional five ports with a telephone number that will be assigned only to The Long Distance Partnership, L.P. We hereby agree to cover the non-recurring and recurring carrier charges associated with these circuits, along with reasonable order processing charges for the SMS effort associated with the installation of the additional lines.

Given the need to act expeditiously on this matter, we would appreciate your immediate response to this letter, and in no event later than the close of business on Tuesday, March 11. I can be reached by telephone at 802-860-0378, or by fax at 802-860-0395.

Sincerely,


David Greenhaus
President

cc: Eric Fishman, Esq.